



Planning Department

**TOWN OF ACTON**  
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**MEMORANDUM**

**To:** Planning Board

**Date:** August 4, 2006

**From:** Roland Bartl, AICP, Town Planner

**Subject:** Application - Quarry Woods PCRC (Peet)

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General information:

<b>Applicant/Owner:</b>	Creighton & Yin Peet, 157 School St., Wayland MA 01754
<b>Engineer:</b>	Thomas DiPersio, Thomas Land Surveyors & Engineering Consultants, 265 Washington St., Hudson, MA 01749
<b>Location:</b>	68 Quarry Road
<b>Map/Parcel:</b>	C-5/11
<b>Proposed Lots:</b>	1 (presumably) condominium lot
<b>Proposed Buildings:</b>	2 single family residences, plus art studio with residential quarters
<b>Proposed Street:</b>	Driveway only
<b>Acreage:</b>	+/- 12.9 acres
<b>Zoning:</b>	R-10/8, Aff. Housing Sub-district A, GPD Zones 3 & 4
<b>Hearing Date:</b>	August 8, 2006
<b>Decision Due Date:</b>	November 9, 2006

Attached are the application and departmental comments for your review.

**Planning Department Comments**

1. About two year ago the Peets brought forth a similar proposal which featured a pre-negotiated exchange with adjacent Town owned land for purposes of access to Quarry Road. Because the arrangement would have involved a transaction to a private party involving Town owned land, it required Town Meeting approval. Town Meeting in 2004 rejected the proposal for several reasons, but chiefly due to discomfort over swapping Town land to a private party for private or business purposes. The proposal now before the Planning Board is similar to what it was then, two residences (then it was one), a detached art studio with modest guest residential quarters, and a sculpture park. But, it is different in that the applicant has researched and found evidence that supports rights of access independent from the Town land that was previously eyed for access.
2. Frontage for lots is not required in a PCRC. However, access to the buildings and dwellings must be viable and practical. Generally, the subdivision rules serve as a guide, which in turn provide for common driveway standards in small Residential Compound developments.

Ultimately, the Planning Board has broad discretion on matters of access and can approve whatever is reasonable, practical, functional, and appropriate for the site. The Peets have provided documentation for their access from Quarry Road consisting of three parts:

- a. A historic right of access, recently confirmed and delineated by agreement or easement, across a front portion of the Valente property;
- b. A strip of land (Lot 2 on the plan) that the Peets own in fee;
- c. A historic right of access over Town-owned land without precise location definition.

There exist wood roads in and around the property, one following more or less the access route claimed by the applicant. The plan shows driveway improvements of the subject wood road from Quarry Road into the applicant's property attempting to avoid new clearing of the woods.

3. Where the access crosses Town land, the proposed driveway actually splits into two driveways – one for the residences and the other leading towards the proposed studio. We have asked the applicant to evaluate a relocation of the driveway onto a slightly more northerly wood road and to move the fork onto their own property. Whatever historic right of access there is, the Town is under no obligation to concede more than what is reasonably and practically necessary to accommodate their proposed use. In a pre-hearing meeting with staff the applicant has pledged to investigate a relocation of the access driveway. The applicant could also see if further digging in the record provides any more information or documentation for the claimed easement.
4. Some items shown on the plan may change as the applicant is taking another look at things after the pre-hearing meeting. For instance:
  - a. The area labeled as activity area may be removed and incorporated into the common land. All of the common land can be used for park purposes including the placement of sculptures in a natural setting as in the proposed sculpture park. There is no need for designating an area apart from the common land.
  - b. Accordingly, the proposed trail and access bridge to the activity area may be scrapped, relocated, or built at a later time.
5. In addition to the two residences, the Peets propose a detached art studio and sculpture park where Ms. Peet intends to create pieces of art, teach art individually and perhaps in classes, display art in a sculpture park, show her art to visitors on invitation, and occasionally sell pieces. The zoning of the land is residential. Therefore, at least some aspects of these activities require additional consideration of sections in the Acton zoning bylaw and the State zoning act. For instance:
  - a. M.G.L. c. 40A, s. 3, provides as follows (emphasis added):  
**No zoning ordinance or by-law shall ... prohibit, regulate or restrict the use of land or structures for religious purposes or for educational purposes on land owned or leased by** the commonwealth or any of its agencies, subdivisions or bodies politic or by a religious sect or denomination, or by **a nonprofit educational corporation**; provided, however, that such land or structures may be subject to reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.
  - b. The analog in the Acton Zoning Bylaw defines an educational use as follows (section 3.4.2):  
**Educational - USE of land, BUILDINGS and STRUCTURES for providing instruction or education in a general range of subjects, on land owned or**

**leased by** the Commonwealth or any of its agencies, subdivisions or bodies politic, or by a religious sect or denomination, or by **a nonprofit educational entity**. Such USE may include museums, libraries, auditoria, athletic facilities, dormitories, administrative offices, or similar facilities and activities whose purpose is substantially related to the educational purposes of the owner.

- c. Under section 9.6.3.2 of the Bylaw, the Common Land of a PCRC “shall be dedicated and used for conservation, historic preservation and **education**, outdoor education, recreation, **park purposes**, agriculture, horticulture, forestry, or for a combination of those USES. No other USES shall be allowed in the Common Land, except as provided for herein.”
- d. Section 3.8.1.2 of the Acton Zoning Bylaw provides that "A home occupation, other than retail sales, conducted entirely within a DWELLING UNIT or an accessory BUILDING by a resident and employing no persons other than the residents" is allowed as an accessory use in all residential districts. Retail sales and the employment of non residents require a special permit from the Board of Appeals.

If and how the proposed studio and sculpture park fit as allowed uses under the various provisions of the Acton zoning bylaw and the State exemption for nonprofit educational entities is not something that the Planning Board must necessarily determine as part of the PCRC special permit. In the absence of a special permit, these things are usually investigated and determined by or through the Building Commissioner with the assistance of Town Counsel as necessary. Here, the address for making the determination can be the same; however the special permit decision, if it is a granting, should reiterate the importance of the various applicable State and local zoning provisions.

- 6. Based on the plan information shown, the proposed ownership arrangement appears to be a condominium, although rental of the second unit is also a possibility. In any case, we need to see:
  - a. draft legal documents for the ownership and use restrictions of the common land consistent with zoning and as further specified in the contexts of the application as the applicant and the Planning Board may deem appropriate; they need to be suitable in form for eventual Registry of Deeds recording;
  - b. If shared ownership is proposed, we also need to review a draft private way maintenance agreement and covenant that defines and secures private upkeep and private ownership.
- 7. The applicant should provide a proposed use description for the common land that generally describes the proposed use or uses and can evolve into and eventually serve as the land use plan for the common land that is contemplated in zoning bylaw section 9.3.
- 8. The application form, some plan sheets, and other documents state that there are two proposed dwelling units. Yet, the studio plan shows a third dwelling unit, which I believe is the actual intent. All documents should be corrected to state the same number of dwelling units.
- 9. The applicant’s recorded private way agreement or easement over the Valente property should be delineated on the plan.
- 10. Please review the other departmental reviews. The applicant should address their comments relative to drainage accommodations, erosion control, fire engine accommodations, turn-outs for passage of oncoming vehicles, etc.
- 11. The emergency vehicle turn-around at the two residences should be located closer to the homes and could be incorporated into one of the driveway branches.

12. We would recommend directional signs at the driveway fork to the studio.
13. The applicant proposes gravel or crushed stone surface for the driveway. We recommend that they consider pavement instead, at least in those areas where grades can cause erosion problems.
14. Parking spaces at the studio should be provided in accordance with the requirements for studio (1 space for each 300 square feet of net floor area – zoning bylaw section 6.3.1.6) plus 2 spaces for the guest residence (section 6.3.1.1). To comply with the zoning bylaw, the parking lot must be paved and otherwise comply with the applicable provisions of sections 6.5, 6.7 and 4.3.6.2 of the zoning bylaw. Required landscaping could possibly use in part existing natural vegetation.
15. The trip generation numbers in the DIR appear low compared to the ITE Manual's average statistics for single-family homes, even when disregarding the studio. But then, the proposed development is not the usual run of the mill residential or commercial development. In all likelihood, the numbers given in the DIR will probably hold for normal, everyday-type conditions, with higher numbers when there are classes or possible open house events.
16. As proposed on the plan, the studio is too close to the common land boundary. 30 feet is the minimum setback that the zoning bylaw requires (section 9.6.2.2.b)).
17. The western edge of the site may be located within a priority habitat area of rare or endangered species. The applicant should research the boundary, and show it on the plan if it falls onto the property.
18. The negotiated arrangement that failed at Town Meeting two years ago included a water usage right and easement for the Town to tap the Peets' quarry for water supply to refresh the NARA pond. In the pre-hearing meeting the applicant has indicated they are still willing to consider it. Perhaps the applicant could review the documents in this regard from two years ago, and see if they are still suitable or need changes. I would like to come to a general understanding with the applicant of the water use arrangement for inclusion in a special permit, if granted, defining location, rights for the Town, timing of execution and recording, and any limitations that the Peets feel they need to preserve the integrity and aesthetics of their property, and to ensure that the water in the quarry can also serve them in a time of need, i.e. as a fire pond.

In closing, I see the need for enough plan changes and additional information and documents to recommend a hearing continuation to another date and time to be determined in consultation with the applicant at the 8/8 hearing, and that provides sufficient time for the applicant to respond to the issues presented, and for staff to review the changes and additional documents and advise the Planning Board thereafter.

cc: Town Manager  
Engineering Department

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